

Daniel R. Shaw (SB No. 281387)
daniel@snydershaw.com
Julia H. Baker (SB No. 340457)
julia@snydershaw.com
Snyder & Shaw LLP
3196 S. Higuera Street, Suite E
San Luis Obispo, CA 93401
Telephone: (805) 439-4646
Facsimile: (805) 301-8030

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

R.H., a minor, by and through his guardian ad
litem Chris Hatton,

Plaintiff,

v.

Coastal Grove Charter School,

Defendant.

CASE NO.: ~~TBD~~ 1:25-cv-00826-RMI

**~~[PROPOSED]~~ ORDER APPOINTING
GUARDIAN AD LITEM**

On January 10, 2025, Chris Hatton, as proposed guardian ad litem of R.H., a minor child, and Defendant Coastal Grove Charter School (“the Charter”), filed a Joint Petition for Approval of Minor’s Compromise. The same day, Plaintiff R.H. filed a motion to appoint his mother, Tera Palmer, as guardian ad litem.

“To maintain a suit in a federal court, a child or mental incompetent must be represented by a competent adult.” *Doe ex rel. Sisco v. Weed Union Elementary School Dist.*, 2:13-cv-01145, 2013 WL 2666024 at *1 (E.D. Cal. June 12, 2013) (citation omitted). Rule 17(c) governs the appearance of minors and incompetent person in federal court. Rule 17(c)(1) prescribes: “The following representative may sue or defend of behalf of a minor or incompetent person: (A) a general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary.” Rule 17(c)(2)

1 states that, “[a] minor or an incompetent person who does not have a duly appointed
2 representative may sue by a next friend or by a guardian ad litem. The court must appoint a
3 guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person
4 who is unrepresented in an action.”

5 A court has broad discretion in ruling on a *guardian ad litem* application. *Basque v. Cty.*
6 *of Placer*, 2017 U.S. Dist. LEXIS 117290 at *2 (E.D. Cal. July 26, 2017). In general, a parent is
7 presumed to act in his or her child’s best interest. *See Parham v. J.R.*, 442 U.S. 584, 604 (U.S.
8 1979) (noting general presumption that parents are presumed to act in the child’s best interest).
9 Upon review, the Court finds Plaintiff R.H.’s motion to appoint Chris Hatton as his *guardian ad*
10 *litem* should be granted. Mr. Hatton, as Plaintiff R.H.’s father, is presumed to act in his best
11 interests, and there is nothing before the Court to undermine that presumption here.

12 Accordingly, **IT IS ORDERED** that:

- 13 1. Plaintiff R.H.’s “Petition for Guardian ad Litem” is GRANTED; and
14 2. Chris Hatton is hereby appointed as Plaintiff R.H.’s guardian ad litem.

15
16
17 Dated: January 31, 2025

18 
19 UNITED STATES DISTRICT JUDGE
20 Magistrate
21
22
23
24
25
26
27
28